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HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A. No. 314 of 2005

Appellants	1.	Smt. Prabha Dhankar, aged 22 years, W/o Rameshwer Dhankar.
	2.	Bhola Singh, aged 53 years, S/o Nathuram.
	3.	Kumari Chitrarekha, aged 18 years, D/o Bhola Singh All R/o Shankarpur, Ward 7, Rajnandgaon, District-Rajnandgaon.
	Versus	
Respondents	1.	Nandkumar, S/o Rajaram, Truck Driver, R/o Arang, P.S. Arang, District- Raipur (C.G.).
	2.	Narsingh Agrawal, S/o N. L. Agrawal, Truck Owner, R/o Mandir Hasao, P.S. Mandirhasaod, District- Raipur (C.G.).
	3.	The National Insurance Company Ltd. Divisional Office, Mobin Mahal, G.E. Road, Raipur (C.G.).

DB: Hon'ble Shri Justice S. R. Nayak, C.J.
& Hon'ble Shri Justice Satish K. Agnihotri, J.

Mr. Manoj Mishra, Advocate for the appellants.

Mr. Sri Kumar Agarwal, Standing Counsel for Respondent No.3.

ORAL ORDER

(7th December 2005)

The following order of the Court was passed by S. R. Nayak, C.J.

We have heard learned counsel for the parties.

In a death case, the appellants/claimants not being satisfied with the compensation awarded by the M.A.C.T. have preferred this appeal. The only contention urged by learned counsel at the time of hearing was that the M.A.C.T. ought to have awarded compensation under the conventional head i.e. 'loss of love and affection' to father and unmarried sister of the deceased. It was also contended that what is awarded towards funeral expenses is very meager. It was further contended that no compensation was

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awarded towards 'loss to the estate'. It is true that in a death case, the claimants/dependents are entitled to reasonable compensation under the above conventional heads and therefore, the M.A.C.T. ought to have awarded compensation under the above conventional heads. We are of the considered opinion what is awarded towards 'loss of consortium to the widow' is on lower side. We award Rs. 20,000/- towards loss of consortium as against Rs. 5000/- awarded by the M.A.C.T. Further, we award Rs. 25,000/- towards loss to the estate. The impugned award shall stand modified accordingly. In all other respects, the impugned award shall remain unaltered.

The appeal is allowed to the above extent. No costs.

Sd/-
Chief Justice
Judge

Sd/-
Satish K. Agnihotri
Judge

Thakur